

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL
CORPORATION,

Plaintiff

v.

21st CENTURY FOX AMERICA, INC., *et al.*,

Defendants,

21st CENTURY FOX AMERICA, INC., *et al.*,

Third-Party Plaintiffs,

v.

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, *et al.*,

Third-Party Defendants.

Hon. Madeline Cox Arleo
Hon. Magistrate Leda D. Wettre

Civil Action No. 2:18-CV-11273 (MCA-JAD)

**STIPULATION AND PROPOSED ORDER CONCERNING
SERVICE OF PROCESS AND DEADLINE FOR FILING RESPONSES TO
THIRD-PARTY COMPLAINT**

Defendants in the Small Parties Group (the “SPG”), the Gordon Rees Group, and the CSG Group (individually and collectively, “Third-Party Plaintiffs”), have filed a Third-Party Complaint, ECF No. 1170, in the above-captioned action against the Passaic Valley Sewerage Commissioners (“PVSC”) and 42 municipalities (individually and collectively, “Third-Party Defendants”), alleging liability for response costs associated with the contamination of the Lower Passaic River. To preserve party and judicial resources, Third-Party Plaintiffs and the Third-Party Defendants listed in Exhibit A hereto (collectively, “Stipulating Third Party Municipal Defendants”), by and through their undersigned counsel, stipulate to the following:

1. The undersigned counsel for Stipulating Third Party Municipal Defendants agrees to and is authorized by the Stipulating Third Party Municipal Defendants to accept service of the Third-Party Complaint, filed on February 24, 2021, on behalf of all Stipulating Third Party Municipal Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. No later than 10 days after this Order is entered by the Court, counsel for SPG, on behalf of all Third-Party Plaintiffs, shall send the undersigned counsel for PVSC, the stipulating Third-Party Municipal Defendants via Federal Express and by e-mail, a complete copy of the Third-Party Complaint, which will constitute the service of the Third-Party Complaint on all Stipulating Third Party Municipal Defendants.

3. Unless otherwise modified by a Case Management Order entered in this action, and assuming paragraph 2 has been complied with, the Stipulating Third Party Municipal Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move or otherwise respond to the Third-Party Complaint within 90 days after this Order is entered by the Court. If Stipulating Third Party Municipal Defendants need more than 90 days after this Order is entered by the Court, they will move for a 30-day extension of time. Third-Party Plaintiffs will not object to such an extension of time.

4. Third-Party Plaintiffs shall file any opposition to any Motion in response to the Third-Party Complaint described in Paragraph 3, no more than 60 days after the filing of the Motion. Stipulating Third Party Municipal Defendants shall file any reply in support of any such Motion no more than 30 days after the filing of Third-Party Plaintiffs' Response in Opposition.

5. Except as stated herein, this Stipulation and Order shall not constitute a waiver of any defenses other than sufficiency of service, including but not limited to: (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, statutory law, or common law (including but not limited to personal jurisdiction defenses), (b) any affirmative defenses that may be available under Rule 8 of the Federal Rules of Civil Procedure, statutory law, or common law, or (c) any other statutory or common law defenses that may be available to the Stipulating Third Party Municipal Defendants in this or any other related actions. Stipulating Third Party Municipal Defendants expressly

reserve the right to raise any such defenses (or any other defenses) in response to (a) the current Third-Party Complaint or any amended and/or consolidated third-party complaint that may be filed on behalf of Third-Party Plaintiffs or any other defendant in this action, and/or (b) any third-party complaint that may be filed in any related action.

6. The terms of this Stipulation and Order are available, without further stipulation by counsel for Third-Party Plaintiffs, to all Stipulating Third Party Municipal Defendants who notify Third-Party Plaintiffs in writing of their intention to join this Stipulation and Order and agree to all its terms.

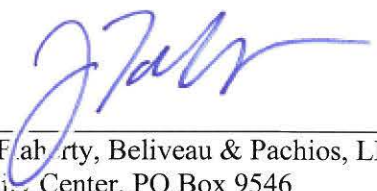
IT IS SO ORDERED.

Dated:

Hon. Magistrate Leda D. Wettre

STIPULATED TO AND APPROVED BY:

May 6, 2021



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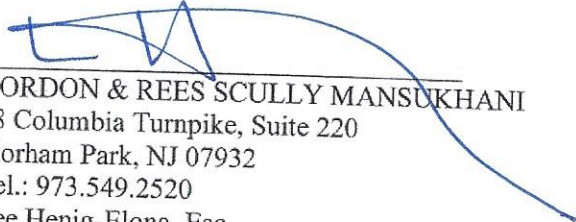
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Peter J. King, Esq.

Counsel for the Stipulating Third-Party Municipal Defendants

EXHIBIT A

**NOTICE OF DESIGNATION PETER J. KING AS LIAISON COUNSEL ON
BEHALF OF THE FOLLOWING MUNICIPALITIES**

Occidental v. 21st Century Fox America 2:18-CV-11273 (MCA-LDW)

PETER J. KING, ESQ.

East Rutherford Borough
Belleville Township
Elmwood Park Borough
Prospect Park Borough
Lodi Borough
North Caldwell Borough
Wallington Borough
Ridgewood Village
North Arlington Borough
Garfield City
Rutherford Borough
Glen Rock Borough
Saddle Brook Township
Haledon Borough
South Hackensack Township
Hawthorne Borough
Fair Lawn Borough
Franklin Lakes Borough
Little Falls Township
Lyndhurst Township
Nutley Town
South Orange Village Township
Wood-Ridge Borough